

Message Text

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SUBJ: US-GOR CULTURAL AGREEMENT RENEGOTIATIONS - PRELIMINARY
MEETING WITH MFA ON DRAFT AGREEMENTS

REF: BUCHAREST 5421

1. AT INITIAL MEETINGS NOVEMBER 25 (PARA 2 REFTTEL),
EMBOFFS PAO, CAO, AND SCIATT WERE INFORMED BY ROSIANU AND
BAL TAC THAT MFA HAS AGREED TO USE US DRAFT FIVE-YEAR
AGREEMENT AS BASIC WORKING DOCUMENT FOR NEGOTIATIONS
BEGINNING DECEMBER 9. ACCORDINGLY, LENGTHY CORDIAL
INFORMAL DISCUSSION FOLLOWED DURING WHICH MFA CITED
SPECIFIC MODIFICATIONS OF US DRAFT DESIRED BY GOR TO MAKE
FINAL VERSION ACCEPTABLE. (DOCUMENT USED FOR THIS EXERCISE
WAS POINT BY POINT COMPARISON OF US AND GOR DRAFTS PREPARED
BY EMBASSY, A COPY OF WHICH HAS BEEN POUCHED TO DEPARTMENT.)

2. ALTHOUGH MOST POINTS MADE BY MFA WERE MINOR OR PURELY
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LINGUISTIC AND WILL BE EASILY ACCEPTABLE TO US SIDE DURING

NEGOTIATIONS, FOLLOWING FIVE ITEMS ARE MORE SUBSTANTIVE AND WE WOULD WELCOME DEPARTMENT COMMENT.

A) MFA ACCEPTS PREAMBLE LANGUAGE IN US DRAFT BUT REQUESTS ADDITION OF FINAL PARAGRAPH FOR PREAMBLE (BUCHAREST 4802) WHICH INCLUDES REFERENCE TO "NATIONAL INDEPENDENCE AND SOVEREIGNTY ETC." FYI--LANGUAGE IS SIMILAR TO THAT WHICH APPEARED IN 1973 NIXON-CEAUSESCU COMMUNIQUE AND JOINT COMMUNIQUE ISSUED AT CONCLUSION OF SECRETARY'S RECENT VISIT HERE. END FYI. EMBASSY THINKS SOME SUCH FORMULATION WOULD BE ACCEPTABLE.

B) MFA QUESTIONS NEED FOR SEPARATE SECTION ON "TOURISM" PER ARTICLE 5 US DRAFT AND WOULD BE SATISFIED WITH MENTION OF "TOURISM" IN FIRST SENTENCE UNDER SECTION 1, ARTICLE I, US DRAFT OR MORE GENERALIZED WORDING ("PARTIES WILL SUPPORT DEVELOPMENT OF TOURISM...") IF SEPARATE SECTION IS FELT BY US TO BE DESIREABLE. EMBASSY SEES NO NEED FOR SEPARATE SECTION.

C) BOTH GOR AND EMBASSY PERCEIVE NEED TO TIE THREE RELATED DOCUMENTS TOGETHER BY REFERENCE TO PROGRAM AND IMPLEMENTING CONDITIONS IN GENERAL UMBRELLA AGREEMENT. MFA SUGGESTS THAT ARTICLE VII INCLUDE GOR DRAFT ARTICLE 14 AS PARAGRAPH ONE AND US DRAFT ARTICLE VII AS PARAGRAPH TWO. FIRST PORTION BASED ON GOR DRAFT ARTICLE 14 WOULD BE MODIFIED ALONG LINES SUGGESTED IN BUCHAREST 5455 PARA 1.

D) EMBASSY WISHES TO ALERT DEPARTMENT THAT GOR NEEDS SUBMIT FINAL AGREEMENT TO GOR COUNCIL OF MINISTERS FOR APPROVAL. THUS FINAL PARAGRAPH OF US DRAFT WILL NEED TO BE MODIFIED ("AGREEMENT WILL ENTER INTO FORCE UPON SIGNATURE...") ROMANIANS SUGGEST THAT, FOLLOWING GOR APPROVAL, AGREEMENT TAKE EFFECT WITH EXCHANGE OF NOTES. ASSUME WE COULD NOTIFY GOR IMMEDIATELY AFTER SIGNATURE THAT US SIDE PREPARING TO HAVE AGREEMENT GO INTO FORCE AT ANY TIME. AS YET, WE DO NOT HAVE A CLEAR IDEA OF HOW LONG THIS APPROVAL PROCESS MIGHT TAKE. APPRECIATE DEPARTMENT COMMENTS ON IMPLICATIONS OF ENTERING NEW YEAR LIMITED OFFICIAL USE

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WITHOUT FORMALLY APPROVED AGREEMENT IF GOR PROCEDURE RESULTS IN DELAY.

E) MFA ALSO PREFERS FINAL PARAGRAPH OF AGREEMENT WHICH SPECIFIES FIVE-YEAR TERM OF AGREEMENT TO CARRY REFERENCE SUCH AS THEY HAVE INCLUDED IN FINAL PARAGRAPH GOR DRAFT TO ALLOW PARTIES OPTION TO RENEW MORE OR LESS "AUTOMATICALLY" FOR FIVE-YEAR PERIOD AS GOR DRAFT STATES.

THIS SEEMS REASONABLE TO US.

3. EMBASSY IS PREPARING WORKING TEXT FOR ACTUAL NEGOTIATIONS BASED ON US DRAFT AND ROMANIAN IN-PUTS. MFA MADE DEFINITE POINT, HOWEVER, THAT, IN SPITE OF THESE ADVANCE PREPARATIONS WHICH WERE "INFORMAL," GOR RESERVED THE RIGHT TO BRING UP ADDITIONAL RELATED MATTERS DURING ACTUAL NEGOTIATIONS. EMBASSY MADE SIMILAR POINT ON BEHALF OF US DELEGATION.

4. EMBOFFS AND MFA SCHEDULED TO MEET AGAIN NOVEMBER 27 TO ATTEMPT TO BRING DRAFT PROGRAMS AND IMPLEMENTING CONDITIONS INTO SIMILAR SHAPE FOR NEGOTIATIONS.
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